

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: **MARYELLEN PAYNE,** : **Chapter 13**  
Debtor, : **Case No. 5:20-bk-02682**

**AMENDED MOTION TO APPROVE SETTLEMENT**

AND NOW COMES Debtor(s) **MARYELLEN PAYNE**, by and through their Attorneys, FISHER CHRISTMAN, with Amended Motion to Approve Settlement, and in support thereof avers:

1. Debtor(s) **MARYELLEN PAYNE** (“Debtor”) filed the above-captioned Chapter 13 Bankruptcy Petition on September 9, 2022.
2. Debtor has since become the beneficiary of a mass action settlement approved by the United States District Court for the District of Minnesota in case no. 18-cv-01062.
3. Debtor has been advised her share of the gross settlement proceeds is \$27,813.42, which, after \$11,125.37 in attorneys fees and \$323.32 in costs, leaves her a net settlement receipt of \$16,364.73. A true and correct, but redacted copy of the Settlement/Distribution Sheet is filed with this Motion as an Exhibit and incorporated herein as if set out at length.
4. Debtor has unused exemption of \$ 11,005 via section 522(d)(5) of the Bankruptcy Code.
5. Debtor has paid \$2,424.20 to unsecured creditors via her Confirmed First Amended Chapter 13 Plan.
6. Debtor therefore has a basis to retain up to \$13,429.20 of the settlement proceeds.
7. Debtor seeks approval of fees of \$11,125.37 and costs of \$323.32 to PEIFFER, WOLF, CARR, KANE CONWAY & WISE.
8. Debtor seeks to have \$ 4,500 of the settlement proceeds distributed to Debtor.
9. The remainder of the net settlement, up to \$11,364.73, shall be paid to the Trustee.
10. Debtor reasonably believes that distribution of the settlement as set forth above is in their best interest and the best interests of the Bankruptcy Estate.

11. Creditors will receive as much as they would have in a Chapter 7 Case.

12. Debtor files a Second Motion to Modify Plan in conjunction with this Motion to account for the anticipated distribution to the Trustee.

WHEREFORE, Debtor(s) **MARYELLEN PAYNE** pray(s) this Honorable Court for an Order that GRANTS this Motion to Approve Settlement Distribution, AUTHORIZES Debtor to execute any documents necessary to implement and consummate said Settlement, and AUTHORIZES distribution of the Settlement to PEIFFER, WOLF, CARR, KANE CONWAY & WISE in the amount of \$11,125.37 for fees and \$323.32 for costs, \$4,500 to Debtor(s) **MARYELLEN PAYNE**, and the remainder paid to the Chapter 13 Trustee for distribution in accordance with Debtor's Second Amended Chapter 13 Plan or subsequent Modified Plan, and for such other and further relief as the Honorable Court deems just and appropriate.

FISHER CHRISTMAN

Dated: **August 24, 2022**

By: /s/ J. Zac Christman  
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